

V. REMARKS

Entry of the Amendment is proper under 37 C.F.R. §1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not raise any new issue requiring further search and/or consideration because the Amendment amplifies issues previously discussed throughout prosecution; and c) places the application in better form for appeal, should an Appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. The amendments to the subject claims do not incorporate any new subject matter into the claims. Thus, entry of the Amendment is respectfully requested.

Claims 1-3, 8 and 12 are rejected under 35 USC 103 (a) as being unpatentable over Ellis (U.S. Patent No. 5,973,618) in view of Solomon (U.S. Patent No. 6,404,409). The rejection is respectfully traversed.

Ellis teaches an intelligent walking stick that includes an elongate frame having proximal and distal end portions, a handle on the proximal portion, a power source on the elongate frame, a transmitter, a receiver, a processor, a warning device, a sensor, a control device, a global positioning system, a silent alarm and an identifying device. The transmitter on the elongate frame transmits information to a third party receiver with the transmitter being electrically connected to the power source. The receiver on the elongate frame receives information from a third party transmitter with the receiver being electrically connected to the power source. The processor on the elongate frame is in communication with the transmitter and receiver with the processor being electrically connected to the power source. The warning device on the elongate frame warns the person carrying the walking stick of a situation with the warning device being in communication with the processor and electrically connected to the power source.

Solomon discloses a handheld, swing display device that includes a plurality of light emitting devices, a computer, and activation device and an autostereoscopic

device. The plurality of light emitting devices is mounted on a support member for providing a virtual image of characters or figures through a swing arc. The computer controls the light emitting devices. The activation device initiates or controls the light emitting devices. The autostereoscopic device produces a multiplicity of views distinct to each eye of the observer.

As indicated in the Office Action, claims 9-11 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Claim 1 is amended in this manner and, as a result, is now in condition for allowance. Claim 3/1 and 12/1 depend from claim 1. Thus, these dependent claims are also allowable over the applied art.

Claim 2, as amended by incorporating the features of claim 4 (now canceled), is directed to a portable signal light. Claim 2 recites that the portable signal light is provided with a tubular or bar-like support portion which is telescopically fitted to a tubular grip portion. Claim 2 further recites that the support portion is provided with a light emitting lamp portion defining a housing containing a battery for a power source and a plurality of light emitting diodes which can be turned on by the battery. Also, claim 2 recites that the grip portion is provided with an infrared remote control sending apparatus operative for controlling the lighting of the plurality of light emitting diodes and the light emitting lamp portion is provided with the infrared remote control receiving apparatus operative for receiving the control signal from the infrared remote control sending apparatus so as to control the lighting of the plurality of light emitting diodes. Claim 2 recites that the light emitting lamp portion is detachably mounted to the support portion.

It is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claim 2 as amended. Specifically, it is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests that the light emitting lamp portion is detachable he mounted to the support portion. Thus, it is respectfully submitted that one of ordinary skill in the

art would not be motivated to combine the features of the applied art because such combination would not result in the claimed invention. As a result, it is respectfully submitted that claim 2 is allowable over the applied art.

Claim 3/2 depends from claim 2 and includes all of the features of claim 2. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reason claims 2 is allowable as well as for the features it recites.

Claim 12 depends from claim 1 or claim 2 and includes all of the features of claims 1 or 2. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claims 1 or 2 are allowable as well as for the features it recites.

The claims 4 and 8 are canceled and, as a result, the rejection as applied thereto is not relevant.

Withdrawal of the rejection is respectfully requested.

Claim 4 is rejected under 35 USC 103 (a) as being unpatentable over Ellis and Solomon as applied to claim 2 in view of Riblett (U.S. Patent No. 6,293,684). The rejection is respectfully traversed.

Riblett teaches a wand light that has a base tube with a light-tube end in which a base end of a light tube is pivotal concentrically with pivotal-light-switch attachment of the light tube to the base tube. The base tube contains a stored-energy unit in addition to being a handle and a daytime signaler. The light tube contains a light emitter which can include a flashlight bulb or a plurality of light-emitting diode units on a circuit board. The light tube is twisted in the base tube for selective switching of current for the light emitter.

Claim 4 is canceled and, as a result, the rejection as applied to claim 4 is now moot. However, claim 2 now incorporates the features of claim 4 and therefore this rejection is relevant regarding claim 2.

As discussed above, claim 2 is allowable over Ellis and Solomon.

It is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claim 2 as amended with the features of claim 4. Specifically, it is respectfully submitted that the applied art, alone or in combination, fails to teach or suggest that the light emitting lamp portion is detachably mounted to the support portion. In brief, nothing in either Ellis, Solomon or Riblett, alone or in combination, teaches or suggests a light emitting lamp portion being detachably mounted to a support portion. Thus, it is respectfully submitted that one of ordinary skill in the art would not be motivated to combine the features of the applied art because such combination would not result in the claimed invention. As a result, it is respectfully submitted that claim 2 is allowable over the applied art of Ellis, Solomon and Riblett.

Withdrawal of the rejection is respectfully requested.

Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

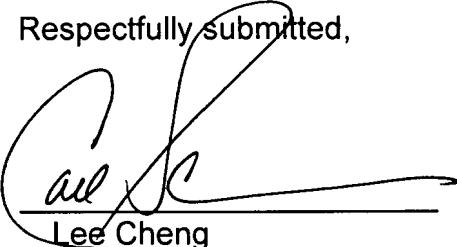
In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same,

the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

By:


Lee Cheng
Reg. No. 40,949

Carl Schaukowitch
Reg. No. 29,211

RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W. Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

Enclosure(s): Amendment Transmittal

DC277255.DOC